

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isabel Cifarelli	Team: Squad #11	CCRB Case #: 201910175	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/08/2019 , Sunday, 11/17/2019 2:39 PM, NA, __/__/____	Location of Incident: 1st Precinct (Over the telephone)	Precinct: 01	18 Mo. SOL 5/17/2021	EO SOL 1/1/2022	
Date/Time CV Reported Sun, 11/17/2019 2:39 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 11/22/2019 1:19 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			001 PCT
2. POF Tracy Bowen	18506	927947	001 PCT
3. POM Ricardo Dicandia	18015	946936	001 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Justin Naimoli	26063	941237	001 PCT
2. SGT Adriano Rivera	03811	949906	001 PCT
3. SGT Annmarie Guerra	03142	941857	001 DET
4. POM Oswaldo Santiago	08022	939421	001 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: On October 8, 2019, officers refused to provide their names to § 87(2)(b)	
B. Officers	Abuse: On October 8, 2019, officers refused to provide their shield numbers to § 87(2)(b)	
C. Officers	Discourtesy: On October 8, 2019, officers acted discourteously toward § 87(2)(b)	
J. Officers	Abuse: On an unknown date, officers refused to provide their names to § 87(2)(b)	
K. Officers	Abuse: On an unknown date, officers refused to provide their shield numbers to § 87(2)(b)	
L.POM Ricardo Dicandia	Abuse: On November 17, 2019, Police Officer Ricardo Dicandia refused to provide his name to § 87(2)(b)	
M.POM Ricardo Dicandia	Abuse: On November 17, 2019, Police Officer Ricardo Dicandia refused to provide his shield number to § 87(2)(b)	
N.POM Ricardo Dicandia	Discourtesy: On November 17, 2019, Police Officer Ricardo Dicandia acted discourteously toward § 87(2)(b)	
O.POF Tracy Bowen	Abuse: On November 17, 2019, Police Officer Tracy Bowen refused to provide her name to § 87(2)(b)	
P.POF Tracy Bowen	Abuse: On November 17, 2019, Police Officer Tracy Bowen refused to provide her shield number to § 87(2)(b)	
Q. Officers	Abuse: On November 17, 2019, officers refused to provide their names to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
R. Officers	Abuse: On November 17, 2019, officers refused to provide their shield numbers to § 87(2)(b)	

Case Summary

On November 17, 2019, § 87(2)(b) filed this complaint with IAB, generating log number 2019-41496 and CCRB spinoff log number 2019-41584, received by the CCRB on November 22, 2019.

On October 8, 2019 at an unknown time, § 87(2)(b) called the 1st Precinct stationhouse and the 1st Precinct Detective Squad and spoke to approximately twelve officers, who all allegedly refused to provide their names and shield numbers to him (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). Approximately four of these officers allegedly hung up the phone on § 87(2)(b) (**Allegation C: Discourtesy, § 87(2)(g)**).

On an unknown date between October 8, 2019 and November 17, 2019, § 87(2)(b) called the 1st Precinct stationhouse and the 1st Precinct Detective Squad again, and approximately twelve officers allegedly refused to provide their names and shield numbers to him (**Allegations D and E: Abuse of Authority, § 87(2)(g)**).

On November 17, 2019 at 2:39pm, § 87(2)(b) called the 1st Precinct stationhouse and the 1st Precinct Detective Squad again. He spoke to PO Ricardo Dicandia of the 1st Precinct Detective Squad, who allegedly refused to spell his name for § 87(2)(b) and allegedly refused to provide his shield number (**Allegations F and G: Abuse of Authority, § 87(2)(g)** and allegedly hung up the phone on § 87(2)(b) (**Allegation H: Discourtesy, § 87(2)(g)**). He also spoke to PO Tracy Bowen of the 1st Precinct, who allegedly refused to provide her name and shield number to § 87(2)(b) (**Allegations I and J: Abuse of Authority, § 87(2)(g)**). He spoke with approximately twelve officers in total, all of whom allegedly refused to provide their names and shield numbers (**Allegations K and L: Abuse of Authority, § 87(2)(g)**).

No arrests were made, and no summonses were issued during the incident.

No video footage was obtained by the investigation.

Findings and Recommendations

Allegation (A) Abuse of Authority: On October 8, 2019, officers refused to provide their names to § 87(2)(b)

Allegation (B) Abuse of Authority: On October 8, 2019, officers refused to provide their shield numbers to § 87(2)(b)

Allegation (C) Discourtesy: On October 8, 2019, officers acted discourteously toward § 87(2)(b)

§ 87(2)(b) testified that on October 8, 2019, at an unknown time, he called the 1st Precinct stationhouse and the 1st Precinct Detective Squad multiple times and spoke to approximately twelve officers in total (BR 01-06). § 87(2)(b) did not recall details about any of the officers he spoke with, except that one of the officers was a Sergeant in the Detective Squad. All the officers were male except one female officer who identified herself as the “dispatcher.”

§ 87(2)(b) did not identify himself during any of the phone calls and did not state why he was calling. He asked several times to speak to a Lieutenant and asked every officer for their name. § 87(2)(b) has dyslexia and asked each officer to spell their name. Each officer he spoke with on this date refused to provide their name or shield number. At least four male officers hung up the phone on § 87(2)(b). § 87(2)(b) called the Internal Affairs Bureau after the incident to report it.

PO Oswaldo Santiago and PO Tracy Bowen are listed on the 1st Precinct Roll Call for Tour 1 and Tour 2 on October 8, 2019 as the telephone switchboard operator (BR 07). Both officers testified that they did not recall any specific phone conversations they had on October 8, 2019, and they were not familiar with § 87(2)(b) (BR 08-09).

The 1st Precinct Detective Squad Roll Call for October 8, 2019 does not list any specific assignments that would require the answering of phone calls (BR 10). Six members of service are

listed as Investigators, one member of service is listed as “Squad Supervisor,” and another is listed as “Commanding officer.” PO Ricardo Dicandia, an Investigator for the 1st Precinct Detective Squad who was interviewed regarding the incident on November 17, 2019, testified that at the 1st Precinct Detective Squad, there is not one person or assignment that typically answers the phone (BR 11). He stated that there is a general phone for the 1st Precinct Detective Squad, and whoever is available when it rings answers it. PO Dicandia was not listed on the Roll Call for October 8, 2019 and was not working this day.

Sgt. Annmarie Guerra of the 1st Precinct Detective Squad, the Squad Supervisor on October 8, 2019, testified that she did not recall whether she spoke on the phone with any civilians on October 8, 2019 (BR 12). She did not recall any phone calls during which a civilian did not want to identify himself but wanted to speak to a Lieutenant and was not familiar with § 87(2)(b).

No information was provided in the IAB log regarding an incident on October 8, 2019 (BR 13).

On January 3, 2020, the investigation requested a copy of the Telephone Switchboard Log for the 1st Precinct for October 8, 2019. On January 15, 2020, the investigation received a response stating that the requested document was unavailable as it was in the possession of another command (BR 07). The command that was in possession of the document was not specified in the response.

§ 87(2)(g)

Allegation (D) Abuse of Authority: On an unknown date, officers refused to provide their names to § 87(2)(b)

Allegation (E) Abuse of Authority: On an unknown date, officers refused to provide their shield numbers to § 87(2)(b)

§ 87(2)(b) testified that on an unknown date approximately two weeks after October 8, 2019 and approximately four weeks before November 17, 2019, at an unknown time, he called the 1st Precinct stationhouse and the 1st Precinct Detective Squad multiple times and spoke to approximately twelve officers in total. § 87(2)(b) did not recall details about any of the officers he spoke with but stated that all the officers he spoke to on this date were male. Every officer he spoke to refused to provide their names and shield numbers. § 87(2)(b) called the Internal Affairs Bureau after this incident to report it.

PO Bowen, who was interviewed on August 28, 2020 regarding the incidents on October 8, 2019 and on November 17, 2019, and PO Dicandia, who was interviewed on October 26, 2020 regarding the incident on November 17, 2019, both testified that they were not familiar with § 87(2)(b) and were not aware of any previous interactions with him.

No information was provided in the IAB log regarding an incident between October 8, 2019 and November 17, 2019.

Without a specific incident date, the investigation was not able to request the Telephone Switchboard Log for this incident.

§ 87(2)(g)

Allegation (F) Abuse of Authority: On November 17, 2019, Police Officer Ricardo Dicandia refused to provide his name to § 87(2)(b)

Allegation (G) Abuse of Authority: On November 17, 2019, Police Officer Ricardo Dicandia refused to provide his shield number to § 87(2)(b)

Allegation (H) Discourtesy: On November 17, 2019, Police Officer Ricardo Dicandia acted

discourteously toward § 87(2)(b)

Allegation (I) Abuse of Authority: On November 17, 2019, Police Officer Tracy Bowen refused to provide her name to § 87(2)(b)

Allegation (J) Abuse of Authority: On November 17, 2019, Police Officer Tracy Bowen refused to provide her shield number to § 87(2)(b)

Allegation (K) Abuse of Authority: On November 17, 2019, officers refused to provide their names to § 87(2)(b)

Allegation (L) Abuse of Authority: On November 17, 2019, officers refused to provide their shield numbers to § 87(2)(b)

§ 87(2)(b) stated that on November 17, 2019, at approximately 2:39 pm, he called the 1st Precinct stationhouse and the 1st Precinct Detective Squad multiple times and spoke to approximately twelve officers in total. § 87(2)(b) asked each officer for their name and shield number. One male officer provided his name, but § 87(2)(b) did not understand it. § 87(2)(b) believed his name may have been “Rodondo” or “Rolando.” § 87(2)(b) asked the officer to spell his name, and he refused to do so. The officer initially refused to provide his shield number, but eventually provided the shield number “08015.” The officer told § 87(2)(b) that he needed to know who § 87(2)(b) was and why he was calling. § 87(2)(b) stated that he did not want to provide his name. § 87(2)(b) asked to speak to a Lieutenant, and the officer did not transfer him to a Lieutenant. The officer then hung up on § 87(2)(b). Every other officer § 87(2)(b) spoke to on November 17, 2019 refused to provide their name and shield number to him, except for four officers, who § 87(2)(b) identified as, “Flored #4803,” “Paul Kuatemd #158,” “Sgt. Gunea #3142,” and “Sgt. Cummings #2341.”

PO Ricardo Dicandia, shield number 18015, testified that he did not recall any phone calls during which a civilian did not want to identify himself but wanted to speak to a Lieutenant. PO Dicandia did not recall speaking to anyone that had dyslexia or needed officers to spell out their names. PO Dicandia is not aware of any chronic callers to the Detective Squad. PO Dicandia was not familiar with § 87(2)(b) and was not aware of any previous interactions with him. He never refused to provide his name or shield to § 87(2)(b). He never refused to spell his name for § 87(2)(b) and never hung up the phone on § 87(2)(b).

PO Bowen, who prepared the Telephone Switchboard Log for Tour 2 on November 17, 2019 (BR 14), testified that she did not recall any civilian asking to be transferred to a supervisor, for her name or shield number, or for her to spell out her name. She did not recall any civilians calling the Precinct or Detective Squad repeatedly over multiple incident dates. PO Bowen was not aware of any chronic callers as of October and November 2019. PO Bowen did not refuse to provide her name or shield number to § 87(2)(b) or any civilian on November 17, 2019 and she did not refuse to spell out her name for § 87(2)(b) or any civilian.

Neither PO Santiago nor Sgt. Guerra recalled any specific phone conversations on November 17, 2019, and neither officer recalled speaking to § 87(2)(b) or any civilian that requested their names or shield numbers on this date.

The 1st Precinct Telephone Switchboard Log for Tour 2 on November 17, 2019 does not list any other officers that may have answered the phone in the vicinity of 2:39 pm and it does not document any conversations with § 87(2)(b).

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been party (BR 15).
- PO Dicandia has been a member of service for 12 years and has been the subject of eight other allegations in four other CCRB complaints with no substantiations. § 87(2)(g)
- PO Bowen has been a member of service for 19 years and has been the subject of two other allegations in one other CCRB complaint with no substantiations. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On November 25, 2020, the Office of the New York City Comptroller indicated that no Notices of Claim have been filed regarding this incident (BR 16).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 11

Investigator:	<u>Isabel Cifarelli</u>	<u>Inv. Isabel Cifarelli</u>	<u>02/12/21</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Edwin Pena</u>	<u>IM Edwin Pena</u>	<u>02/17/21</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date